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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT

Inventor: Stantchev, et al. Docket No.: CYGNUS.0200
Serial No.: 10/632,303 Examiner: NYA
Filing Date: August 1, 2003 Group Art 3732
Unit:
TITLE: METHODS AND APPARATUS FOR
IMAGING

**DECLARATION OF DANIEL J. NOBLITT IN SUPPORT OF
PETITION TO FILE ON BEHALF OF NONSIGNING INVENTOR
PURSUANT TO 37 C.F.R. § 1.47(B)**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Commissioner:

The undersigned, Daniel J. Noblitt, declares the following:

1. I declare that I have made diligent efforts to receive the cooperation of Egidio Cianciosi (the nonsigning inventor) and have him join in the captioned patent application, including:

a. Since at least as early as August 2003, I have on several occasions attempted to contact the nonsigning inventor via his attorney. I have attempted to contact the nonsigning inventor via his attorney about eight to ten times over the last five months.

b. On each occasion, I have discussed the patent application with Mr. Cianciosi's attorney and the need for Mr. Cianciosi's participation in the application process. I have forwarded various documents relating to the application to Mr. Cianciosi via his attorney and requested a response. Mr. Cianciosi's attorney has indicated that he believes that Mr. Cianciosi has moved to Australia and has not been able to effectively communicate with Mr. Cianciosi.

c. As of the date of this Declaration, I have received no response from Mr. Cianciosi.

2. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or

Serial No. 10/632,303
METHODS AND APPARATUS FOR IMAGING

imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.



Daniel J. Noblitt



Date

O I P E
PATENT APPLICATION

MAR 3 1 2004

DECLARATION FOR PATENT APPLICATION

ATTORNEY DOCKET NO. CYGNUS.0200

As a below named inventor, I hereby declare that:
 My residence/post office address and citizenship are as stated below next to my name;
 I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

Methods and Apparatus for Imaging

the specification of which is attached hereto unless the following box is checked:

was filed on August 1, 2003 as US Application Serial No. or PCT International Application Number 10/632,303 and was amended on _____ (if applicable).

I hereby state that I have reviewed and understood the contents of the above-identified specification, including the claims, as amended by any amendment(s) referred to above. I acknowledge the duty to disclose all information which is material to patentability as defined in 37 CFR 1.56.

Foreign Application(s) and/or Claim of Foreign Priority

I hereby claim foreign priority benefits under Title 35, United States Code Section 119 of any foreign application(s) for patent or inventor(s) certificate listed below and have also identified below any foreign application for patent or inventor(s) certificate having a filing date before that of the application on which priority is claimed:

COUNTRY	APPLICATION NUMBER	DATE FILED	PRIORITY CLAIMED UNDER 35 U.S.C. 119
			YES: <u> </u> NO: <u> </u>
			YES: <u> </u> NO: <u> </u>

Provisional Application

I hereby claim the benefit under Title 35, United States Code Section 119(e) of any United States provisional application(s) listed below:

APPLICATION SERIAL NUMBER	FILING DATE
60/456,367	21 Mar 2003

U.S. Priority Claim

I hereby claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code Section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

APPLICATION SERIAL NUMBER	FILING DATE	STATUS(patented/pending/abandoned)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of Inventor: Egidio Cianciosi

Citizenship: Australia

Residence 8230 East Thoroughbred Trail, Scottsdale, Arizona 85258

Post Office Address: same

Inventor's Signature

Date

JAN 05 2004 10:52

P.03



O P P E
MAR 3 1 2004
PATENT & TRADEMARK OFFICE

OFFICE OF THE SECRETARY OF STATE

JESSE WHITE • Secretary of State

DECEMBER 30, 2003

5810-001-3

G T. CORPORATION SYSTEM
600 S 2ND ST
SPRINGFIELD, IL 62704

RE: PROGENY, INC.

DEAR SIR OR MADAM:

ENCLOSED YOU WILL FIND THE ARTICLES OF MERGER REGARDING THE ABOVE NAMED CORPORATION.

FEES IN THIS CONNECTION HAVE BEEN RECEIVED AND CREDITED.

THIS DOCUMENT MUST BE RECORDED IN THE OFFICES OF THE RECORDERS OF THE COUNTIES IN WHICH THE REGISTERED OFFICES OF THE MERGING CORPORATIONS ARE LOCATED. IN ORDER TO COMPLY WITH ARTICLE 6 OF THE COUNTIES CODE, AS AMENDED JANUARY 1, 1995, THE PAGES OF THIS DOCUMENT MUST BE SEPARATED BEFORE IT IS PRESENTED FOR RECORDING.

THE SURVIVING CORPORATION SHALL EXECUTE A REPORT FOLLOWING MERGER (FORMS ARE ENCLOSED) AND FILE SAME IN THIS OFFICE WITHIN SIXTY DAYS AFTER MERGER.

SINCERELY YOURS,

JESSE WHITE
SECRETARY OF STATE

DEPARTMENT OF BUSINESS SERVICES
CORPORATION DIVISION
TELEPHONE (217) 782-6961

JW:CD



Form **BCA-11.39**
(Rev. Jan. 2003)

ARTICLES OF MERGER
Between Illinois Corporations
and Limited Liability Companies

File # **5810-001-3**

Jesse White
Secretary of State
Department of Business Services
Springfield, IL 62756
Telephone (217) 782-6961
<http://www.cyberdriveillinois.com>

DO NOT SEND CASH!
Remit payment in check or money
order, payable to "Secretary of State."
Filing Fee is \$100, but if merger
involves more than 2 corporations,
\$50 for each additional corporation.

FILED**DEC 30 2003**JESSE WHITE
SECRETARY OF STATE**SUBMIT IN DUPLICATE**This space for use by
Secretary of StateDate **12/30/03**Filing Fee \$ **100.00**Approved: 

1. Names of the corporations and limited liability companies proposing to merge and the state or country of their organization or incorporation:

Name of Corporation Limited Liability Company	State or Country of Organization/Incorporation	Corporation File Number
Progeny, Inc.	Illinois	5810-001-3
Cygnus Technologies, L.L.C.	Illinois	00826855

2. The laws of the state or country under which each corporation and Limited Liability Company are organized, permit such merger.

3. (a) Name of the surviving party: Progeny, Inc.
(b) It shall be governed by the laws of: Illinois

If not sufficient space to cover this point, add one or more sheets of this size.

4. Plan of merger is as follows:
See the Plan of Merger, a copy of which is attached hereto as Exhibit A.

5. Plan of merger was approved, as to each limited liability company, in compliance with the laws of the state under which it is organized, and (b) as to each Illinois corporation, as follows:

(Only "X" one box for each Illinois corporation)

By the shareholders, a resolution of the board of directors having been duly adopted and submitted to a vote at a meeting of shareholders. Not less than the minimum number of votes required by statute and by the articles of incorporation voted in favor of the action taken.

(§ 11.20)

By written consent of the shareholders having not less than the minimum number of votes required by statute and by the articles of incorporation. Shareholders who have not consented in writing have been given notice in accordance with § 7.10 (§ 11.20)

By written consent of ALL the shareholders entitled to vote on the action, in accordance with § 7.10 & § 11.20

Name of Corporation

Progeny, Inc.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

6. *(Not applicable if survivor is an Illinois corporation or an Illinois Limited Liability Company)*

It is agreed that, upon and after the issuance of a certificate of merger by the Secretary of State of the State of Illinois:

- The surviving limited liability company may be served with process in the State of Illinois in any proceeding for the enforcement of any obligation of any corporation organized under the laws of the State of Illinois which is a party to the merger and in any proceeding for the enforcement of the rights of a dissenting shareholder of any such corporation organized under the laws of the State of Illinois against the surviving limited liability company.
- The Secretary of State of the State of Illinois shall be and hereby is irrevocably appointed as the agent of the surviving limited liability company to accept service of process in any such proceedings, and
- The surviving limited liability company will promptly pay to the dissenting shareholders of any corporation organized under the laws of the State of Illinois which is a party to the merger the amount, if any, to which they shall be entitled under the provisions of "The Business Corporation Act of 1983" of the State of Illinois with respect to the rights of dissenting shareholders.

7.(a) The undersigned corporations have caused these articles to be signed by their duly authorized officers, each of whom affirms, under penalties of perjury, that the facts stated herein are true. (All signatures must be in **BLACK INK**.)

Dated

December 30

2003

(Month & Day)

(Any authorized officer's signature)

PROGENY, INC.

(Exact Name of Corporation)

Edwin J. McDonough, Chief Executive Officer
(Type or Print Name and Title)

Dated

(Month & Day)(Year)

(Exact Name of Corporation)

(Any authorized officer's signature)
(Type or Print Name and Title)

7.(b)

The undersigned limited liability companies have caused these articles to be signed by their duly authorized person, who affirms, under penalties of perjury, that the facts stated herein are true.
 (All signatures must be in **BLACK INK**.)

Dated

December 30
 (Month & Day)

2003
 (Year)

CYGNUS TECHNOLOGIES, L.L.C.

(Exact Name of Limited Liability Company)

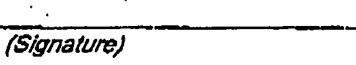
by 
(Signature)

Edwin J. McDonough, Manager
(Type or Print Name and Title)

Dated

(Month & Day)(Year)

(Exact Name of Limited Liability Company)

by 
(Signature)

(Type or Print Name and Title)

EXHIBIT APLAN OF MERGER

1. The names of the corporation and limited liability company proposing to merge are Progeny, Inc., an Illinois corporation, hereinafter referred to as "Progeny" or the "Surviving Entity," and Cygnus Technologies, L.L.C., an Illinois limited liability company, hereinafter referred to as "Cygnus." Cygnus is currently a wholly-owned subsidiary of the Surviving Entity.

2. Cygnus shall merge with and into Progeny and the Surviving Entity shall exist by virtue and under the laws of the State of Illinois. The corporate identity, existence, purpose, powers, franchises, rights and immunities of Progeny shall continue unaffected and unimpaired by the merger, and the limited liability company identity, existence, franchises, rights and immunities of Cygnus shall be merged with and into the Surviving Entity, and the Surviving Entity shall be fully vested therewith. The separate existence of Cygnus, except insofar as it may be continued by reason of the laws of the State of Illinois, shall cease upon the Effective Date (as hereinafter defined) and thereupon Cygnus and the Surviving Entity shall become and exist as a single corporation.

3. On the Effective Date, all of the issued and outstanding units or other equity interests of Cygnus shall be deemed to be cancelled without further consideration. No shares of Progeny's capital stock or other consideration of Progeny shall be issued in connection with this merger.

4. The Articles of Incorporation of Progeny in existence on the Effective Date shall be and remain the Articles of Incorporation of the Surviving Entity.

5. The By-Laws of Progeny in existence on the Effective Date shall be and remain the By-Laws of the Surviving Entity until altered, amended or repealed as provided therein.

6. The members of the Board of Directors of Progeny on the Effective Date shall be and remain the members of the Board of Directors of the Surviving Entity and such members shall hold office until the next annual meeting of the shareholders of the Surviving Entity and/or until their successors are duly elected and qualified.

7. The officers of Progeny on the Effective Date shall be and remain the officers of the Surviving Entity and such officers shall hold office until their successors are duly elected and qualified.

8. The first annual meeting of the shareholders of the Surviving Entity held after the Effective Date shall be the annual meeting provided for by the By-Laws of Progeny. The first regular meeting of the Board of Directors of the Surviving Entity held after the Effective Date shall be convened in a manner provided for in the By-Laws of Progeny and may be held at the time and place specified in the notice of meeting.

9. This Plan of Merger shall become effective as of the close of business on December 31, 2003, herein sometimes referred to as the "Effective Date." On the Effective Date, the separate existence of Cygnus shall cease and Cygnus shall be merged with and into Progeny in accordance with the provisions of this Plan of Merger.

10. On the Effective Date, the Surviving Entity shall, without other transfer, succeed to and have all the rights, privileges, immunities and franchises, and the Surviving Entity shall be subject to all the restrictions, disabilities and duties, of Cygnus, and all property, real, personal and mixed, and all debts due to Cygnus on whatever account, including choses in actions, shall be vested in the Surviving Entity; and all property, rights, privileges, franchises and each and every other interest shall be thereafter as effectively the property of the Surviving Entity as they were of Cygnus.

11. Cygnus is a disregarded entity for federal income tax purposes and, as such, the merger contemplated hereunder will be a non-event for federal income tax purposes.

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